

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE STATE STREET BANK AND TRUST
CO. FIXED INCOME FUNDS INVESTMENT
LITIGATION

Case No. 08-MD-1945 (PAC)

APOGEE ENTERPRISES, INC., ON BEHALF
OF THE APOGEE ENTERPRISES, INC.
401(K) RETIREMENT PLAN.

Plaintiff,

v.

STATE STREET BANK AND TRUST
COMPANY; AND ING INSTITUTIONAL
PLAN SERVICES LLC, FORMERLY KNOWN
AS CITISTREET LLC,

Case No. 09-cv-1899 (PAC)

Defendants.

ING INSTITUTIONAL PLAN SERVICES LLC,
FORMERLY KNOWN AS CITISTREET LLC,

Counterclaim,
Cross-Claim, and
Third Party Plaintiff,

v.

APOGEE ENTERPRISES, INC., APOGEE
PENSION INVESTMENT COMMITTEE,
RUSSELL HUFFER, ANTHONY NOWAK,
DAVID BLANK, GARY JOHNSON,
RICAHRD KRAUS, SILVEROAK WEALTH
MANAGEMENT LLC, AND STATE STREET
BANK AND TRUST COMPANY,

Counterclaim,
Cross-Claim, and
Third Party Defendants.

STIPULATION OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the parties stipulate and agree that the above-captioned actions be and hereby are dismissed with prejudice, without costs or fees to any party, each party bearing its own attorneys' fees, and waiving all rights of appeal.

Dated: September 6, 2012

Respectfully submitted,

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